

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RODERICK OPALEC,  
Petitioner,

No. C 08-2652 MHP (pr)

**ORDER OF DISMISSAL**

v.

BEN CURRY, warden,  
Respondent.

Mail was sent from the court to petitioner at the only address he provided to the court and was returned undelivered on July 20, 2009, marked "return to sender" and "Reg. 4." (Docket # 8.) Respondent later reported that petitioner had paroled and been removed to Mexico. See Docket # 10. Petitioner has not provided any address other than the one to which the undeliverable mail was sent. More than sixty days have passed since the mail was returned to the court undelivered. Petitioner has failed to comply with Local Rule 3-11 which requires that a party proceeding pro se must "promptly file with the Court and serve upon all opposing parties a Notice of Change of Address specifying the new address" when his address changes, and allows dismissal without prejudice when mail directed to a pro se party is returned as not deliverable and the pro se party fails to send a current address within sixty days of the return of the undelivered mail. For the foregoing reasons, this action is dismissed without prejudice because petitioner failed to keep the court informed of his address in compliance with Local Rule 3-11(a). Respondent's motion to dismiss is DENIED as moot. (Docket # 10.) The clerk shall close the file.

IT IS SO ORDERED.

Dated: December 11, 2009

  
Marilyn Hall Patel  
United States District Judge